

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL A. JACKSON,

Plaintiff,

v.

Mrs. PHELPS *et al.*,

Defendants.

Case No. C08-5061 FDB

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION


The Magistrate Judge recommends that this civil rights complaint be dismissed without prejudice. As detailed by the Magistrate Judge, Plaintiff's claim fails for failure to exhaust administrative remedies. Plaintiff has not filed an objection to the Report and Recommendation.

The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendants' motion to dismiss is **GRANTED**. Plaintiff did not exhaust his administrative remedies prior to filing this action as required by the Prison Litigation Reform Act. The Court does not address Defendant's argument that this action fails to state a claim.

The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants, and to the Hon. J. Kelley Arnold.

DATED this 18<sup>th</sup> day of July, 2008.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE